

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 1:16-cr-036
	:	
Plaintiff,	:	JUDGE BLACK
	:	
v.	:	
	:	
	:	
JORY LEEDY,	:	<u>UNITED STATES' MOTION FOR LEAVE TO FILE DOCUMENT</u>
	:	
Defendant.	:	
	:	

Comes now, the United States of America, by and through the undersigned Assistant United States Attorneys, and respectfully moves for leave to file the attached Motion of the United States to Exclude the Testimony of Proposed Expert David Michael Lowenstein, Ph.D. On February 20, 2019, the Court established a Criminal Trial Calendar setting various dates, including the deadline in which the parties must file motions *in limine*. That date, in particular, was set for March 29, 2019. In addition, the parties were to file their proposed Jury Instructions and Verdict Forms by May 20, 2019, which both parties did.

Shortly after filing proposed jury instructions, counsel for Leedy sent via electronic mail to counsel for the government a two-page letter purporting to give the United States notice pursuant to Rule 16 of an expert witness. The United States respectfully requests leave to file its Motion to Exclude the proposed expert beyond the date established by the Court. The United States had not been made aware of any potential expert witness prior to May 20, 2019 and, therefore, was not in a position to file any motions at all related to such proposed testimony.

WHEREFORE, based on the above, the United States respectfully requests leave to file the attached document, with accompanying exhibits. Further, due to the trial currently being

scheduled for June 3, 2019, the United States respectfully requests this issue be brought for a hearing before the Court immediately.

Respectfully submitted,

BENJAMIN C. GLASSMAN
Acting United States Attorney

s/Christy L. Muncy
CHRISTY L MUNCY (KY 88236)
Assistant United States Attorney
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
Office: (513) 684-3711
Fax: (513) 684-6972
E-mail: Christy.Muncy@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave to File Document was served this 22nd day of May, 2019, electronically, on counsel for Defendant.

s/Christy L. Muncy
CHRISTY L. MUNCY (KY 88236)
Assistant United States Attorney